

§ 1314.01

Subpart B—Sales by Regulated Sellers

- 1314.20 Restrictions on sales quantity.
- 1314.25 Requirements for retail transactions.
- 1314.30 Recordkeeping for retail transactions.
- 1314.35 Training of sales personnel.
- 1314.40 Self-certification.
- 1314.42 Self-certification fee; time and method of fee payment.
- 1314.45 Privacy protections.
- 1314.50 Employment measures.

Subpart C—Mail-Order Sales

- 1314.100 Sales limits for mail-order sales.
- 1314.105 Verification of identity for mail-order sales.
- 1314.110 Reports for mail-order sales.
- 1314.115 Distributions not subject to reporting requirements.

Subpart D—Order To Show Cause

- 1314.150 Order to show cause.
- 1314.155 Suspension pending final order.

AUTHORITY: 21 U.S.C. 802, 830, 842, 871(b), 875, 877, 886a.

SOURCE: 71 FR 56024, Sept. 26, 2006, unless otherwise noted.

Subpart A—General

§ 1314.01 Scope.

This part specifies the requirements for retail sales of scheduled listed chemical products to individuals for personal use.

§ 1314.02 Applicability.

(a) This part applies to the following regulated persons who sell scheduled listed chemical products for personal use:

(1) Regulated sellers of scheduled listed chemical products sold at retail for personal use through face-to-face sales at stores or mobile retail vendors.

(2) Regulated persons who engage in a transaction with a non-regulated person and who ship the products to the non-regulated person by the U.S. Postal Service or by private or common carriers.

(b) The requirements in subpart A apply to all regulated persons subject to this part. The requirements in subpart B apply to regulated sellers as defined in § 1300.02 of this chapter. The requirements in subpart C apply to regulated persons who ship the products to

21 CFR Ch. II (4–1–10 Edition)

the customer by the U.S. Postal Service or by private or common carriers.

§ 1314.03 Definitions.

As used in this part, the term “mail-order sale” means a retail sale of scheduled listed chemical products for personal use where a regulated person uses or attempts to use the U.S. Postal Service or any private or commercial carrier to deliver the product to the customer. Mail-order sale includes purchase orders submitted by phone, mail, fax, Internet, or any method other than face-to-face transaction.

§ 1314.05 Requirements regarding packaging of nonliquid forms.

A regulated seller or mail order distributor may not sell a scheduled listed chemical product in nonliquid form (including gel caps) unless the product is packaged either in blister packs, with each blister containing no more than two dosage units or, if blister packs are technically infeasible, in unit dose packets or pouches.

§ 1314.10 Effect on State laws.

Nothing in this part preempts State law on the same subject matter unless there is a positive conflict between this part and a State law so that the two cannot consistently stand together.

§ 1314.15 Loss reporting.

(a) Each regulated person must report to the Special Agent in Charge of the DEA Divisional Office for the area in which the regulated person making the report is located, any unusual or excessive loss or disappearance of a scheduled listed chemical product under the control of the regulated person. The regulated person responsible for reporting a loss in-transit is the supplier.

(b) Each report submitted under paragraph (a) of this section must, whenever possible, be made orally to the DEA Divisional Office for the area in which the regulated person making the report is located at the earliest practicable opportunity after the regulated person becomes aware of the circumstances involved.

(c) Written reports of losses must be filed within 15 days after the regulated